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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,312	12/19/2005	Gustav Sieber	3513	8181
7590 Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743			EXAMINER RO, BENTSU	
			ART UNIT 2837	PAPER NUMBER
			MAIL DATE 04/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,312

Applicant(s)

SIEBER ET AL.

Examiner

/BENTSU RO/

Art Unit

2837

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-17 and 19-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15, 19-23, 30 and 31 is/are allowed.
- 6) ☒ Claim(s) 16, 17, 24-28 and 32 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

THIRD OFFICE ACTION ----- A FINAL REJECTION

1. The replacement drawings Figs. 1-10 have been received. These drawings are acceptable.
2. Claims 15, 19-23, 30, 31 are allowable if claim 15 is amended by changing the last line to read as **"sensor unit (9) further has a strain gauge and/or a peizoelectric sensor."**

These claims are allowable based on applicant's argument in that the sensor unit may have more than one variety of sensor. See applicant's REMARKS, page 7, last three lines.

The amendment is required to reflect that the sensor unit has more than one sensor.

3. Claims 16, 17, 24-28, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingbeil US Patent No. 6,172,472 in view of Nolting et al US Patent No. 5,239,479 and/or Yi US Patent No. 6,602,110. (All references are previously cited references.)

Claim 27 reads onto the reference teachings as follows:

Claim 27: (Currently amended)	The prior art reference teachings:
A method for guiding the operation of an electric power tool that has an electric	Klingbeil Fig. 1 teaches a method and an apparatus for guiding the operation of an

motor acting to drive a tool, comprising the following steps:	electric power tool; see column 1, line 7 for the words "a hand-held tool"; the power tool has an electric motor 2, see Fig. 1;
detecting the current of the electric motor with a current-measuring device;	Fig. 1 shows a current measuring device 4 for detecting the current of the electric motor;
determining the contact pressure of the tool against a workpiece from the current of the electric motor;	correlating the motor current (or motor torque because motor current produces motor torque) to the contact pressure is taught by Yi et al, see column 9, lines 20-24; the contact pressure can be detected by either motor current or electrical pressure sensor as taught by Nolting et al, see column 1, lines 40-44;
automatically adjusting a torque and/or a rotary speed of the electric motor.	further, the correlation of contact pressure to the motor current can be empirically determined; from the determination, a chart can be plotted; thus, the determination of motor current and the determination of contact pressure basically represent the same parameter because knowing one, the other can be obtained from the chart; Klingbeil Fig. 1 shows a motor speed control element 4 for adjusting a torque and/or a rotary speed of the electric motor 2.

Regarding claim 27, applicant does not present any argument for the patentability except by stating that *"Claim 27 was amended to recite the step of automatically adjusting the rotary speed of the electric motor as a function of the contact pressure."*

However, it is noted from the claim language that there is no recitation of the motor speed adjustment based on the contact pressure whatsoever, instead, the claim simply recites an automatic speed adjustment.

Claim 28 is rejected similar to that of claim 27. Even though claim 28 recites "automatically adjusting the torque of the electric motor as a function of the contact pressure", this limitation does not overcome the teaching of the prior art as explained in claim 27 because the contact pressure and motor current can be empirically determined. Further, the contact pressure and the motor current both represent a single control parameter as explained previously.

Claim 32 is rejected for the same reason because the contact pressure can be determined by motor current. Further, the contact pressure and the motor current both represent a single control parameter as explained previously.

Regarding claim 16, Nolting et al column 1, lines 40-42 clearly states that *"The contact between the cutting tip of the tool and the workpiece is detected either by an electrical pressure sensor....."*. Thus, the contact pressure can be detected by pressure sensor. The strain gauge and/or the piezoelectric sensor are pressure sensor, which is a prior art.

Regarding claim 17, the "signal transducer" reads onto Klingbeil Fig. 1, the liquid crystal display 11 or the LED 9.

Regarding claims 24-26, Klingbeil Fig. 1, the microcontroller 5 controls the motor torque and the motor speed based on the measured motor current by pulse width modulation method. Again, the motor current and the contact pressure represent the same control parameter as explained previously.

4. Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 29 should be amended to state that the "sensor unit further has a current measuring device" to reflect a plurality of sensing devices.

5. Applicant's remarks have been fully considered but they are not convincing. Regarding claim 16, applicant argues that no prior art teaches strain guage and/or piezoelectric sensor. This argument is not convincing because Nolting et al clearly teach "an electrical pressure sensor" for contact pressure measurement, see Nolting et al column 1, line 42.

Other arguments become moot because the independent claim 15 and the dependent claims 19-23, 30-31 are now allowable.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication should be directed to Bentsu Ro at telephone number (571)272-2072.

/BENTSU RO/
Primary Examiner
Art Unit 2837